

JOURNAL OF THE HOUSE.

Thursday, May 12, 2005.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Eternal God, the Ultimate Source of Goodness and Truth, we begin each day with a good and honorable intention of faithfully serving You and constituents who depend upon our thoughtful and ethical legislative choices. Help us to be successful in achieving our daily goals and the ultimate purpose for which we have been created by You. In evaluating the legislative issues of the day and the vast amount to data and information which comes across our desks, teach us to select the intellectually correct and morally right options as our choices. As elected leaders inspire us to work together to make our communities safe, open to all and prosperous with equal opportunities for all.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor.

Supplemental appropriations.

A message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2005 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3844) was filed in the office of the Clerk on Tuesday, May 10.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

399th Combat Support Hospital. Ryan Oliver.

Resolutions (filed by Representatives Fagan of Taunton, Haddad of Somerset and Canessa of New Bedford) congratulating the 399th Combat Support Hospital on the occasion of its 50th anniversary;

Resolutions (filed by Representatives O'Brien of Kingston, Webster of Hanson and deMacedo of Plymouth) congratulating Ryan Oliver on receiving the Eagle Award of the Boy Scouts of America;

Congregation Beth El Temple Center.

Resolutions (filed by Mrs. Paulsen of Belmont) congratulating Congregation Beth El Temple Center on the fiftieth birthday of its building;

Sister Lois Connors.

Resolutions (filed by Mr. Rush of Boston) congratulating Sister Lois Connors upon her Golden Jubilee in the Congregation of the Sisters of Saint Joseph;

Resolutions (filed by Mr. Scibek South Hadley) congratulating Thomas Milton Kennedy on his eightieth Birthday;

Thomas Milton Kennedy. Robert E. Blanton, Jr.

Resolutions (filed by Mrs. Walrath of Stow) congratulating Robert E. Blanton, Jr., on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mrs. Walrath of Stow) congratulating Joshua A. DeBenedetto on receiving the Eagle Award of the Boy Scouts of America; and

Joshua A. DeBenedetto.

Resolutions (filed by Mrs. Walrath of Stow) congratulating Michael J. Sangermano on receiving the Eagle Award of the Boy Scouts of America;

Michael J. Sangermano.

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Peterson of Grafton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

An order (filed by Mr. Correia of Fall River) relative to authorizing the committee on Elder Affairs and the committee on Revenue to sit jointly for the purposes of conducting a public hearing, holding an executive session and reporting on measures previously scheduled to be heard by the committee on Revenue on Tuesday, May 17, 2005, was referred to the committees on Rules of the two branches, acting concurrently.

Elder Affairs and Revenue committees, joint hearing.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Lepper of Attleboro, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Donato of Medford, petition (accompanied by bill, House, No. 3846) of Paul J. Donato (with the approval of the mayor and city council) relative to certain elections in the city of Medford. To the committee on Election Laws.

Medford, elections.

By Mr. Binienda of Worcester, petition (accompanied by bill, House, No. 3847) of John J. Binienda and Edward M. Augustus, Jr. (by vote of the town) relative to the stabilization fund of the town of Leicester. To the committee on Municipalities and Regional Government.

Leicester, stabilization fund.

By Mr. Murphy of Weymouth, petition (accompanied by bill, House, No. 3848) of James M. Murphy and Robert L. Hedlund (by vote of the town) relative to the appointment of retired police officers in the town of Weymouth to serve as special officers. To the committee on Public Service.

Weymouth, retired police officers.

By Mr. Petrucci of Boston, petition (accompanied by bill, House, No. 3849) of Anthony Petrucci and others (with the approval of the mayor and city council) relative to repealing the law prohibiting Indians in Boston. To the committee on State Administration and Regulatory Oversight.

Boston, Indian law.

Severally sent to the Senate for concurrence.

Thomas
Kellner,
sick leave
bank.

Mr. DeLeo of Winthrop presented a petition (subject to Joint Rule 12) of Robert A. DeLeo and others for legislation to authorize the Department of Highways to establish a sick leave bank for Thomas Kellner, an employee of said department; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Iraq and
Afghanistan
bonuses.

Mr. Verga of Gloucester presented a petition (subject to Joint Rule 12) of Anthony J. Verga and others relative to bonuses for residents of the Commonwealth who served in the Afghanistan and Iraqi conflicts; and the same was referred, under Rule 24, to the committee on Rules.

Proposal for a Legislative Amendment to the Constitution.

Notice was received from the Senate on Wednesday, March 11, that under the provisions of Joint Rule 23, the following proposal was placed on file, the time within which the following committee was required to report having expired,—

Marriage,
define.

Of the committee on the Judiciary, ought NOT to pass (under Joint Rule 23) on the petition (accompanied by proposal, House, No. 653) of Emile J. Goguen and Philip Travis for a legislative amendment to the Constitution relative to the definition of marriage.

Papers from the Senate.

West
Roxbury,
ice rink.

A Bill concerning the Jim Roche Memorial Rink in West Roxbury (Senate, No. 2050) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

The following notice was received from the Clerk of the Senate (on Wednesday, May 11), to wit:

May 11, 2005.

Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356 State House
Boston, MA. 02133

Dear Mr. Speaker:

I have the honor to inform you that the following proposals for Legislative Amendments to the Constitution have been ordered to the Joint Session calendar for May 11, 2005:

Proposal for a Legislative Amendment to the Constitution allowing absentee voting (Senate, No. 9), with reference to which the committee on Election Laws has reported recommending said amendment ought NOT to pass;

Absentee
voting.

Proposal for a Legislative Amendment to the Constitution electing the Lt. Governor and the Governor separately (Senate, No. 10), with reference to which the committee on Election Laws has reported recommending said amendment ought NOT to pass;

Executive,
election.

Proposal for a Legislative Amendment to the Constitution increasing the term of the General Court from two to four years (Senate, No. 11), with reference to which the committee on Election Laws has reported recommending said amendment ought NOT to pass;

General
Court,
terms.

Proposal for a Legislative Amendment to the Constitution promoting the representative character of ballot questions (Senate, No. 13), with reference to which the committee on Election Laws has reported recommending said amendment ought NOT to pass;

Ballot
questions.

Proposal for a Legislative Amendment to the Constitution relative to vacancies in the Governor's Council (Senate, No. 14), with reference to which the committee on Election Laws has reported recommending said amendment ought NOT to pass;

Governor's
Council.

Proposal for a Legislative Amendment to the Constitution relative to the certification of justices (Senate, No. 15), having been reported ought NOT to pass (under Joint Rule 23) from the committee on the Judiciary (the time within which the committee was required to report having expired);

Justices,
certification.

Proposal for a Legislative Amendment to the Constitution establishing county government (Senate, No. 16), with reference to which the committee on Municipalities and Regional Government has reported, recommending that the amendment ought NOT to pass;

County
government.

Proposal for a Legislative Amendment to the Constitution relative to emergency appointments of elected officials (Senate, No. 17), with reference to which the committee on Public Safety and Homeland Security has reported, recommending that the amendment ought to pass [Representatives Murphy of Burlington, Perry of Sandwich and Hill of Ipswich, dissenting];

Elected
officials,
emergency
appointments.

Proposal for a Legislative Amendment to the Constitution to change the length of term for Representatives and Senators from two years to four years (House, No. 39), with reference to which the committee on Election Laws has reported, recommending that the amendment ought NOT to pass [Senator Brown and Representatives Turner of Dennis and Rogeness of Longmeadow, dissenting];

General
Court,
terms.

Proposal for a Legislative Amendment to the Constitution relative to redistricting of the House of Representatives, Senate and Governor's Council (House, No. 40), with reference to which the committee on Election Laws has reported, recommending that the amendment ought NOT to pass [Senator Brown and Representatives Turner of Dennis, Frost of Auburn and Rogeness of Longmeadow, dissenting];

Redistricting.

Proposal for a Legislative Amendment to the Constitution to define marriage as the union of one man and one woman (House,

Marriage,
define.

No. 653), having been reported ought NOT to pass (under Joint Rule 23) from the committee on the Judiciary (the time within which the committee was required to report having expired);

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Petitions were referred, in concurrence, as follows:

Somerville,
police
appointment.

Petition (accompanied by bill, Senate, No. 2047) of Jarrett T. Barrios and Timothy J. Toomey, Jr.(with approval of the mayor and city council) for legislation to authorize the appointment of special police officers in the city of Somerville. To the committee on Public Service.

Somerville,
procurement
officer.

Petition (accompanied by bill, Senate, No. 2048) of Jarrett T. Barrios and Timothy J. Toomey, Jr.(with approval of the mayor and city council) for legislation relative to the procurement officer of the city of Somerville; and

Somerville
retirement
board.

Petition (accompanied by bill, Senate, No. 2049) of Jarrett T. Barrios and Timothy J. Toomey, Jr.(with approval of the mayor and city council) for legislation to authorize the Somerville retirement board to purchase or lease property, facilities, and equipment;

Severally to the committee on Municipalities and Regional Government.

Alexander G.
Gray, Jr.,
sick leave
bank.

A petition of Dianne Wilkerson and Jarrett T. Barrios for legislation to establish a sick leave bank for Alexander G. Gray, Jr., an employee of the Trial Court, came from the Senate referred, under suspension of Joint Rule 12, to the committee on the Judiciary.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2054) was referred, in concurrence, to the committee on the Judiciary.

Reports of Committees.

By Mr. Honan of Boston, for the committee on Housing, asking to be discharged from further consideration

Suffolk County
Housing Court.

Of the petition (accompanied by bill, House, No. 3172) of Robert A. DeLeo relative to the jurisdiction of the Housing Court in Suffolk County;

Housing
Court,
jurisdiction.

Of the petition (accompanied by bill, House, No. 3173) of Robert A. DeLeo relative to granting certain concurrent jurisdiction to the Housing Court Department; and

Housing
courts,
local
access.

Of the petition (accompanied by bill, House, No. 3174) of Robert A. DeLeo for legislation to improve local access to housing courts;

And recommending that the same severally be referred to the committee on the Judiciary.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Mr. Pedone of Worcester, for the committee on Consumer Protection and Professional Licensure, on House, No. 3228, a Bill authorizing the town of Greenfield to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3843)[Local Approval Received].

Greenfield,
alcoholic
beverage
license.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill to simplify the rules for use of municipal departmental revolving funds (House, No. 1630).

Municipal
department
revolving
funds.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next
sitting.

At thirteen minutes after eleven o'clock A.M., on motion of Mrs. Paulsen of Belmont (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.